

incorporate the Brazos and Bernard Railway and Plank Road Company, and find the same correctly engrossed.

A bill to be entitled an act for the relief of the heirs of Mary Ann Smith deceased; read second time, and referred to the committee on Private Land Claims.

On motion of Mr. Burney, Mr. Patrick was added to the committee on Private Land Claims.

A bill to be entitled an act for the relief of John M. Taylor; read second time, and referred to the committee on Private Land Claims.

A bill to be entitled an act to authorize the Executive Board of Managers of the Masonic Female Institute to confer degrees, with the amendments of the committee on Education; amendments adopted, and bill as amended ordered to be engrossed.

A bill to be entitled an act to authorize the Commissioner of the General Land office to issue patents to the heirs of Simon Gillam and John Smith; read second time, and ordered to be engrossed.

A bill to be entitled an act to incorporate the Waco Male and Female Academy in the county of McLennan; read second time, and ordered to be engrossed.

A joint resolution for the relief of John C. Walling; read second time, and ordered to be engrossed.

On motion of Mr. Hardeman of Travis, the House adjourned until ten o'clock to-morrow morning.

AUSTIN, November 27, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Hardeman of Travis, Lewis, Reynolds and Winfield.

Journals of yesterday read and adopted.

Mr. Owen submitted the petition of the heirs of J. F. Ailes, praying the payment of stipulated interest on a bill of exchange; referred to the committee on Finance.

Mr. Bryan, chairman of the committee on Education made the following report:

COMMITTEE ROOM, November 27, 1850.

Hon. C. G. KEENAN,

Speaker of the House of Representatives:

The majority of the Education committee, to whom was refer-

red a resolution providing for the disposition of the school fund, have instructed me to report a bill in conformity with said resolution, which I have done, and submit the same with the report and recommend its passage.

The reasons which influenced the committee to make this recommendation, are these: that the school fund is now and has been from the organization of the State Government, lying useless in the Treasury of the State; that it is not of a sufficient amount for distribution to effect the object for which it was created; that it ought to be invested in some safe way by which it may add to itself, until it may ultimately reach an amount which will warrant its distribution among the counties for the establishment of free public schools; that the investment of the fund in the bonds of the State, or the bonds of the United States, drawing five per cent. interest, is both safe and profitable. And that the latter bonds cannot be more justly disposed of, than by setting aside a portion of them in the manner proposed; for the State is now in want of means, which want, has been caused by two extra sessions of the Legislature, called for the adjustment of our Northern boundary, through which adjustment, these bonds have or will be procured. Again, the school fund has accumulated to over \$36,000 in the Treasury of the State in gold and silver, and by keeping so much of these precious metals locked up and withdrawn from circulation, it is a direct injury inflicted upon those whom we represent. It is then the policy of the State, as well as to the interest of the fund, that the fund should be disposed of as indicated by the committee; hence the majority of the committee recommend the bill to the most favorable consideration of the House.

Report and bill laid on the table, to come up among the orders of the day.

Mr. Bryan, chairman of the committee on Education, made the following report:

COMMITTEE ROOM, November 26, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives:

The committee on Education, to whom was referred a petition of the citizens of Anderson county, praying for leave to rent or lease their county school lands, have had the same under consideration and have instructed me to report a general bill embracing the purposes prayed for; also, a petition from Marshall Lodge, No. 22, praying for a donation of land for school purposes, the committee instruct me to report that it is inexpedient at the present time to grant the prayer of said petitioners, but that at a fu-

ture day it may be prudent to entertain the subject; all of which is respectfully submitted.

Report and bill laid on the table, to come up among the orders of the day.

Mr. Taylor of Cass in the Chair.

Mr. McKinney moved to suspend the rule in order to take up the bill reported by the committee on Education in relation to the disposition of the school fund, upon which the yeas and nays were called for, and stood as follows:

Yeas—Messrs. Bogart, Bryan, Burney, Clements, Cochran, Crump, Franklin, Gillet, Hardeman of Travis, Holland, Hunt, Lewis, McKinney, Owen, Runnels, Russell, Shaw, Shea, Smith of Red River, Smith of Shelby, Stapp, Taylor of Harrison, Williams and Wren—24.

Nays—Messrs. Charlton, Dickson, Fields, Hardeman of Nacogdoches, Hendricks, Johnson, Jowers, Lloyd, Lott, Patrick, Polk, Scott, Selman, Speights, Sterne, Tarrant and Taylor of Cass—17.

It requiring a vote of two thirds to suspend the rule—the motion was lost.

The Speaker resumed his seat.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petition of Aquilla Brinkley, reported a bill for his relief, and recommended its passage.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of Benjamin Burke; reported the same back to the House, and recommended its passage.

Report and bill laid on the table, to come up among the orders of the day.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petition of Solomon Albright, reported a bill for his relief, and recommended its passage.

Report and bill laid on the table, to come up among the orders of the day.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of John M. Taylor, reported the same back to the House without amendment, and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act to authorize Bartlett Sims assignee of Martha Barker to float a certain

claim; reported the same back to the House and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Patrick, chairman of the committee on Claims and Accounts, to whom was referred the petition of John Gillespie; reported the same back to the House, and asked to be discharged from its further consideration.

Report laid on the table to come up among the orders of the day.

Mr. Scott, chairman of the Special committee, to whom was referred a bill to be entitled an act making an appropriation of one hundred and fifty dollars for the payment of John E. Cravens; reported a substitute for the same and recommended its passage.

Report, bill and substitute laid on the table to come up among the orders of the day.

Mr. Jowers, chairman of the Select committee, to whom was referred a joint resolution for the relief of Daniel Parker, Jr., reported a substitute for the resolution and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Fields introduced a bill to be entitled an act for the relief of William R. Smith; read first time.

Mr. Shea introduced a bill to be entitled an act for the relief of William B. Jaynes.

Mr. Sterne introduced a bill to be entitled an act for the relief of John H. Hyde; read first time.

Mr. Gillet introduced a joint resolution appropriating a portion of the ten millions to be received from the United States to common school purposes; read first time.

Mr. Crump introduced a bill to be entitled an act for the relief of Gillespie county; read first time.

On motion of Mr. Scott, the House proceeded to take up the business on the Speaker's table and to the orders of the day.

ORDERS OF THE DAY.

A bill to be entitled an act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas; with the amendment of the Senate.

Mr. Bogart moved that the House concur in the amendment

of the Senate to the original bill ; upon which the yeas and nays were called for and stood as follows :

Yeas : Messrs. Bogart, Clements, Cochran, Gillet, Hardeman of Nacogdoches, Hendricks, Hunt, Johnson, Lott, Russell, Taylor of Cass, Wigfall, Williams and Wren.—14.

Nays : Messrs. Speaker, Bryan, Burney, Charlton, Crump, Dickson, Fields, Franklin, Hardeman of Travis, Holland, Jowers, Lewis, Lloyd, McKinney, Owen, Patrick, Polk, Runnels, Scott, Selman, Shaw, Shea, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne and Tarrant—28. So the House refused to concur in the amendment of the Senate.

Mr. Stapp then moved to appoint a committee of conference, and request the appointment of a like committee on the part of the Senate ; upon which the yeas and nays were called for and stood as follows :

Yeas : Messrs. Bryan, Burney, Clements, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Hunt, Johnson, Lewis, Lloyd, McKinney, Owen, Polk, Runnels, Scott, Shaw, Shea, Smith of Shelby, Speights, Stapp, Tarrant, Taylor of Cass, Taylor of Harrison, Wigfall, Williams, and Wren—26.

Nays : Messrs. Speaker, Bogart, Charlton, Cochran, Crump, Dickson, Fields, Franklin, Gillet, Hendricks, Jowers, Lott, Patrick, Russell, Selman, Smith of Red River and Sterne—17. So the motion was carried.

The Speaker appointed on the part of the House, Messrs. Stapp, Clements, Franklin, Dickson, Johnson and Holland, to compose said committee.

Mr. Lewis asked leave of the House to introduce a resolution, it being under the rules of the House, out of the regular order of business ; and requiring a suspension of the rule, the yeas and nays were called for and stood as follows :

Yeas : Messrs. Speaker, Bryan, Burney, Clements, Crump, Dickson, Fields, Gillet, Hardeman of Travis, Holland, Hunt, Johnson, Jowers, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Russell, Selman, Shea, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Taylor of Cass, Taylor of Harrison, Wigfall and Wren—31.

Nays : Messrs. Bogart, Charlton, Cochran, Franklin, Hardeman of Nacogdoches, Hendricks, Polk, Runnels, Scott, Shaw, Tarrant and Williams—12. So the rule was suspended, and leave granted to Mr. Lewis to introduce his resolution.

Mr. Lewis then introduced the following resolution.

Resolved, That the Governor be authorized to employ such person as he may deem proper to translate the proper number of

the Governor's message, designated by the Legislature, into the German language.

Resolution read and adopted.

On motion of Mr. Clements, the House adjourned until three o'clock p. m.

THREE O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

On motion of Mr. Fields, Mr. Owen was added to the committee on Finance.

The Senate's bill, to be entitled an act for the relief of Luaner Ward, read second time; and on motion, referred to the committee on Private Land Claims.

The Senate's bill to be entitled an act for the relief of M. W. B. Armstrong; read second time, and referred to committee on Private Land Claims.

The Senate's bill, to be entitled an act, amendatory of an act to create the county of Freestone; read second time, and passed to a third reading.

Mr. Burney, chairman on the part of the House of the committee on Enrolled bills made the following report, which was accepted.

COMMITTEE ROOM, November 27, 1850.

HON. C. G. KEENAN,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills have examined an act to legalize a copy of the records in the office of the County Surveyor of the county of Washington, also a bill to authorize and require the Commissioner of the General Land Office to issue a patent to William Shipp of Sabine county for one league of land, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day transmitted to His Excellency the Governor of the State for his approval.

A joint resolution from the Senate refunding to Major William S. Henry the fine imposed upon him by the Military of the 9th Department, etc.; read second time.

Mr. Lewis proposed the following amendment:

SEC. 2. *Be it further resolved*, That the Secretary of State be required to furnish a copy of this joint resolution, on parchment, under the Great seal of the State to said Major William S. Henry. Amendment adopted.

On motion, the joint resolution as amended was passed to a third reading.

The Senate's bill, to be entitled an act to locate the seat of justice of Kaufman county—read second time—and passed to a third reading.

Senate's bill, to be entitled an act for the relief of Lewis Monroe Mays (a minor)—read second time—and passed to a third reading.

Senate's bill, to be entitled an act to authorize the employment of a State architect; read second time; the question being upon the passage of the bill to a third reading was put and lost.

Senate's bill, to be entitled an act requiring the Commissioners appointed by an act entitled an act creating the county of Hunt, approved April 11, 1846, to deliver up certain documents and moneys therein named; read second time; and passed to a third reading.

Senate's bill, to be entitled an act to prescribe the time of holding the District Courts in the eleventh judicial district; read second time; and on motion of Mr. Burney referred to the Judiciary committee.

Senate's bill, to be entitled an act for the relief of John Beeman, John S. Beeman and James J. Beeman; read second time; and passed to a third reading.

Senate's bill, to be entitled an act to incorporate the town of Shelbyville in the county of Shelby; read second time; and passed to a third reading.

Senate's bill, to be entitled an act for the relief of William A. Burnes; read first time.

Senate's bill, to be entitled an act for the relief of William P. Wyche, and the legal representatives of Peter A. Duell; read first time.

Senate's bill, to be entitled an act for the relief of William C. Anderson; read first time.

An act regulating slaves, with the substitute proposed by the Judiciary committee; was taken up.

On motion of Mr. Bryan, the substitute proposed by the Judiciary committee was adopted.

Mr. Russell proposed the following amendment: first section, eighteenth line, strike out "or any individual"; upon which the yeas and nays were called for and stood as follows:

Yeas—Messrs. Bogart, Burney, Holland, Johnson, Lloyd, McKinney, Owen, Patrick, Russell, Scott, Selman, Shea, Smith of Red River, Smith of Shelby and Taylor of Cass—15.

Nays—Messrs. Speaker, Bryan, Charlton, Clements, Cochran, Dickson, Fields, Franklin, Gillet, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Hunt, Jowers, Lott, Po k, Runnels, Shaw, Speights, Stapp, Sterne, Stewart, Tarrant, Taylor of Harrison, Williams and Wren—26. So the amendment was rejected.

Mr. Fields proposed the following amendment: strike out the words "or with such written permit, at places other than described in said permit." Rejected.

On motion, the bill as amended was ordered to be engrossed.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act for the relief of Peter Gallagher, and the legal representatives of Archibald Fitzgerald and Thompson Robinson; also a bill for the relief of John McLennan, jr.

A bill to be entitled an act to incorporate the Brazos and Bernard Railway and Plank Road Company; read third time, and passed by a constitutional majority—yeas 36—nays none.

Mr. Jowers, chairman of the committee on Engrossed Bills, made the following report which was accepted:

COMMITTEE ROOM, November 27, 1850.

To Hon. C. G. KEENAN.

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined a joint resolution for the relief of John C. Walling; also, a bill to be entitled an act to incorporate the Waco Male and Female Academy in the county of McLennan; also, an act for the relief of Zachariah N. Morrell; also, a bill to be entitled an act to incorporate the Shelby University; also, an act for the relief of James Chesher, sen.; also, a bill to be entitled an act to authorize the commissioner of the General Land-office to issue patents to the heirs of Simon Gillom and the heirs of John Smith; also, an act to amend an act entitled an act to incorporate the city of New Braunfels; also, an act to authorize the executive Board of Managers of the Masonic Female Institute at Marshall, Harrison county, to confer degrees and for other purposes; also, an act to incorporate the Trinity and Galveston Navigation Company, and, find the same correctly engrossed.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate adhered to their amendment to the bill to be entitled an act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, and that the Senate had appointed a committee consisting of Messrs. Gage, Portis, Wallace and Kin-

ney to confer with the committee of the House upon the consideration of the same.

Mr. Rannels moved to reconsider the vote taken to day, refusing to concur in the amendment of the Senate to the bill to be entitled an act to amend the second and seventh sections of an act organizing the Supreme Court of the State of Texas, etc.

Mr. Scott moved to lay the motion of Mr. Rannels on the table until Monday next.

On motion of Mr. Dickson, the House adjourned until ten o'clock to-morrow morning.

AUSTIN, November 28, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Hardeman of Travis, Reynolds, Shepard, Stewart and Winfield.

Journal of yesterday read and adopted.

Mr. Sterne submitted the petition of James Crossland, praying for relief; referred to the committee on Private Land Claims.

Mr. Patrick submitted the petition of Rosa L. Williams, praying for relief; referred to the committee on Private Land Claims.

Mr. Franklin, chairman of the committee on the Judiciary, to whom was referred an act to amend the 1st Section of an act approved August 23, 1850, entitled an act to amend the second section of an act to define the time of holding the Courts in the several Judicial Districts, approved February 29, 1850; reported a substitute for the same and recommended its passage.

Report, bill and substitute laid on the table to come up among the orders of the day.

Mr. Fields, chairman of the committee on Finance, to whom was referred the bill for the relief of the citizens of Fannin county, reported the same back to the House and recommended its indefinite postponement.

Report laid on the table to come up among the orders of the day.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act concerning the book or register of Land Certificates issued by the Board of Land Commission-